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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,181	09/26/2003	Thomas D. Steiger	2003-0067-01	9851

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CYMER INC
LEGAL DEPARTMENT
17075 Thornmint Court
SAN DIEGO, CA 92127-2413

EXAMINER

RODRIGUEZ, ARMANDO

ART UNIT PAPER NUMBER

2828

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,181

Applicant(s)

STEIGER ET AL.

Examiner

ARMANDO RODRIGUEZ

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,17,19,20 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,4,17,19 and 20 is/are allowed.
- 6) ☒ Claim(s) 33 and 35 is/are rejected.
- 7) ☒ Claim(s) 34 and 36 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Response to Amendment

Claims 1,3,4,17,19,20,33-36 are pending.

Claims 2,5-16,18,21-32 have been canceled.

The 35 USC 103 rejection of claims 1,3,4,17,19 and 20 has been withdrawn based on applicant's amendment filed on May 23, 2005.

The 35 USC 112 second paragraph rejection has been withdrawn.

Response to Arguments

Applicant's arguments filed May 23, 2005 have been fully considered but they are not persuasive.

Regarding applicant's arguments on page 7 pertaining to new claim 33, where applicant describes the electrode having a conductive upper curve region and argues that the cited reference does not disclose a conductive curve region but only discloses an insulating film (CaF). Applicant's attention is directed to page 4 of the office action, which describes the electrode having a film (5) as an insulator for protection against halogen substances and the film is made of copper fluoride [applicant's comprising copper], as disclosed by the cited prior art of Hori et al in column 19 lines 45-46. Furthermore, it is well understood in the art that copper fluoride is a conductive metal halide.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hori et al (PN 6,810,061) in view of Ujzdowski et al (PN 6,654,403).

Regarding claim 33,

Hori et al illustrates in figure 1B a gas discharge laser having Fluorine gas, column 13 lines 16-20 and having a pair of discharge electrodes (2) and (3) [applicant's lower portion], where each electrode includes a film (5) [applicant's upper curve region] disposed on the discharge parts (2a) and 3(a) [applicant's footprint]. Column 19 lines 11-12, describes the film (5) as an insulator and in column 19 lines 43-46 discloses the

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film as a halogen-resistant substance made of copper fluoride [applicant's comprising copper]. In column 19 lines 17-24 Hori discloses, different metals used for the main discharge electrodes, which includes brass [where brass has benefit of applicant's CIP].

However, Ujzdowski et al discloses in column 7 lines 25-29, the use of aluminum bronze as the electrode [applicant's copper alloy].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to replace the electrode Ujzdowski et al with the electrode of Hori et al because it is more resistant to fluoride attacks than brass, column 7 lines 25-29 of Ujzdowski et al.

Regarding claim 35,

In column 20 lines 5-21 Hori et al discloses a method of bonding the film (5) to the electrodes [applicant's two pieces of material].

The limitation pertaining to the machined from two pieces of material is considered a product -by-process in accordance with MPEP 2113, as such the claim is not limited to recited steps but only, by the implied structure.

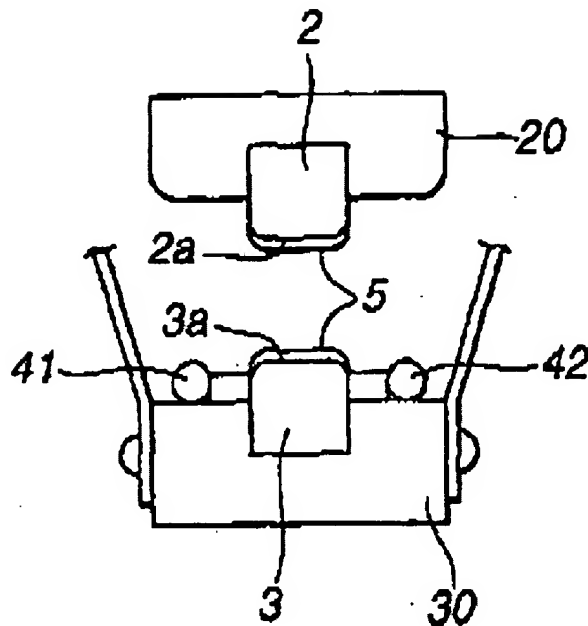


FIG.1B

Allowable Subject Matter

Claims 1,3,4,17,19,20 are allowed based on applicant's amendment.

Claims 34 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARMANDO RODRIGUEZ whose telephone number is 571-272-1952. The examiner can normally be reached on 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MINSUN HARVEY can be reached on 571-272-1835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ARMANDO RODRIGUEZ
Examiner
Art Unit 2828


MINSUN HARVEY
SUPERVISOR
Art Unit 2828

AR/MH